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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/293,455	04/16/99	DEBELIUS	S 02750-000247

MMC1/1024  
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EXAMINER

TAMAI, K

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 10/24/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/293,445**

Applicant(s)  
**Debelius**

Examiner  
**Karl Tamal**

Group Art Unit  
**2834**



☒ Responsive to communication(s) filed on Sep 11, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4, 6-11, 13-18, 20, and 21 is/are rejected.

☒ Claim(s) 5, 12, and 19 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The rejection of Claims 1-21 under 35 U.S.C. 112, first paragraph, is withdrawn.

***Claim Rejections - 35 USC § 102***

2. The rejection of Claims 1-2, 6, 7, 8, 9, 13, 14, 15, 16, 20, and 21 are rejected under 35 U.S.C. 102(b) is withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-11, 14-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler(US 3,624,434) and Wrobel(US 4,801,252). Dafler teaches a stator 42 with a rotatable armature 50, with a commutator 58, with brushes 70 held within an endplate 18, with bearings 28/26 on both ends of the shaft, the bearings surrounded by a housing 20 integrally fixed with the end plate 18, the housing having a receiving bore with a stepped configuration, and a retainer 84 on the shaft to retain the bearing. Dafler teaches every aspect of the invention except the bearing having an enlarged portion for receiving the retainer and the bearing having a

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stepped configuration to receive the bearing. Wrobel teaches the equivalence of the retainer flush to the end of the shaft (figure 4) and abutting the enlarged portion of the bearing (figure 3) which opens to the end of the shaft. Wrobel teaches a bearing with a stepped outer surface which seats in the bearing housing 5. It would have been obvious to a person skilled in the art at the time of the invention to construct the motor of Dafler with the recessed bearing of Wrobel because it is within the ordinary skill in the art to choose between known equivalents and because the recessed bearing is taught to help position of the bearing on the shaft and within the housing, and with the stepped outer surface of the bearing two mate with the bearing housing, as taught by Wrobel.

5. Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler(US 3,624,434) and Wrobel(US 4,801,252), in further view of Rosenthal,Jr. et al.(Rosenthal)(US 3,829,722). Dafler and Wrobel teach every aspect of the invention except a washer between the bearing and the commutator. Rosenthal teaches a washer between the bearing and the commutator. It would have been obvious to a person skilled in the art at the time of the invention to construct the motor of Dafler and Wrobel with a washer between the bearing and the commutator because Rosenthal(figure 1) shows that such washers are known and used in the motor are and because it is obvious to a person skilled in the art that the washer acts as a buffer between the rotating and non-rotating parts.

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*Allowable Subject Matter*

6. Claim 5, 12, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments filed 9/11/2000 have been fully considered but they are not persuasive. The Applicant's argument that Wrobel does not teach a central bore with an enlarged portion opening towards the end of the shaft is not persuasive. Wrobel teaches the bearing having a central bore through which shaft 6 extends. Wrobel teaches the central bore having an enlarged portion which surrounds the bearing retainer 43,44(Figure 3), which is an equivalent embodiment of figure 4.

*Conclusion*

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066. The examiner can be normally contacted on Monday through Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703)308-1371. The facsimile number for the Group is (703)305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Karl I Tamai  
PATENT EXAMINER  
October 24, 2000

**Karl I. Tamai**  
**Patent Examiner**  
**Technology Center**